

# **REPORT ON THE BOARD OF REGISTRATION FOR INTERIOR DESIGN**

**Montgomery, Alabama**



**Department of  
Examiners of Public Accounts**

**50 North Ripley Street, Room 3201  
P.O. Box 302251  
Montgomery, Alabama 36130-2251**

*Ronald L. Jones, Chief Examiner*



State of Alabama  
Department of  
**Examiners of Public Accounts**

Telephone (334) 242-9200  
FAX (334) 242-1775

**Ronald L. Jones**  
Chief Examiner

*Mailing Address:*  
P.O. Box 302251  
Montgomery, AL 36130-2251

*Location:*  
Gordon Persons Building  
50 North Ripley Street, Room 3201  
Montgomery, AL 36104-3833

August 11, 2004

Representative Howard Sanderford  
Chairman, Sunset Committee  
Alabama State House  
Montgomery, AL 36130

Dear Representative Sanderford,

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the **Board of Registration for Interior Design** in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the **Board of Registration for Interior Design**, in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald L. Jones", written in a cursive style.

Ronald L. Jones  
Chief Examiner



## **CONTENTS PAGE**

<b>PROFILE.....</b>	<b>1</b>
<b>PURPOSE/AUTHORITY .....</b>	<b>1</b>
<b>BOARD CHARACTERISTICS .....</b>	<b>1</b>
<b>OPERATIONS .....</b>	<b>3</b>
<b>FINANCIAL INFORMATION .....</b>	<b>4</b>
<b>SIGNIFICANT ITEMS .....</b>	<b>5</b>
<b>STATUS OF PRIOR FINDINGS .....</b>	<b>7</b>
<b>ORGANIZATION .....</b>	<b>8</b>
<b>PERSONNEL .....</b>	<b>8</b>
<b>PERFORMANCE CHARACTERISTICS .....</b>	<b>8</b>
<b>FINANCIAL INFORMATION .....</b>	<b>12</b>
<b>SCHEDULE OF FEES .....</b>	<b>12</b>
<b>DISCIPLINARY GUIDELINES .....</b>	<b>13</b>
<b>SCHEDULE OF OPERATING RECEIPTS, DISBURSEMENTS, AND BALANCES.....</b>	<b>15</b>
<b>OPERATING RECEIPTS VS OPERATING DISBURSEMENTS (CHART) .....</b>	<b>16</b>
<b>QUESTIONNAIRE.....</b>	<b>17</b>
<b>BOARD MEMBER QUESTIONNAIRE .....</b>	<b>17</b>
<b>APPENDICES .....</b>	<b>23</b>
<b>STATUTORY AUTHORITY .....</b>	<b>23</b>
<b>BOARD MEMBERS .....</b>	<b>47</b>



## PROFILE

### Purpose/Authority

The Board for Registration of Interior Design was first established in 1982 to regulate and license the practice of interior design. Until August 1, 2001, the board operated under the authority of the *Code of Alabama 1975*, Sections 34-15A-1 through 34-15A-7. On August 2, 2001, Act Number 2001-660 became effective, and Sections 34-15A-1 through 34-15A-7 were repealed. The *Code of Alabama 1975*, Sections 34-15B-1 through 34-15B-18 provides the current statutory authority for the board.

### Board Characteristics

<b>Members</b>	7
<b>Term</b>	Four-year terms. No more than two consecutive terms of office. All members continue to serve until a successor is appointed.
<b>Selection</b>	Appointed by the Governor with the advice and consent of the Senate.
<b>Qualifications</b>	<ul style="list-style-type: none"><li>• Five members must be valid licensees currently engaged in the practice of interior design.</li><li>• The five licensed members must be appointed from the northern, central, western, eastern and southern districts as created by the <i>Code of Alabama</i>, Section 34-15B-4(e).</li><li>• One member must be a professional educator teaching a college or university level interior design program.</li><li>• One member must be an unlicensed consumer member.</li></ul>
<b>Racial Representation</b>	<p>One member must be of a minority race.</p> <p>Currently there are no minority race members on the board. The board's minority race member, also the consumer member, resigned in February 2004 and has not yet been replaced by the Governor's office.</p>

<b>Geographical Representation</b>	<p>One licensee member appointed from each of the five following districts:</p> <ul style="list-style-type: none"> <li>• <b>Northern District</b>—Lauderdale, Colbert, Lawrence, Limestone, Morgan, Cullman, Marshall, Madison, Jackson, DeKalb, Cherokee, Etowah, Calhoun and Cleburne Counties</li> <li>• <b>Central District</b>—Blount, Jefferson, St. Clair and Talladega Counties</li> <li>• <b>Western District</b>—Marion Winston, Lamar, Fayette, Franklin, Walker, Pickens, Tuscaloosa, Sumter, Greene, Hale, Bibb, Perry, Dallas, Marengo, Choctaw, Lowndes, Shelby, and Wilcox Counties</li> <li>• <b>Eastern District</b>—Randolph, Clay, Chilton, Coosa, Tallapoosa, Chambers, Autauga, Elmore, Lee, Macon, Montgomery, Bullock, Pike, Coffee, Dale, Henry, Barbour, Russell, and Crenshaw Counties</li> <li>• <b>Southern District</b>—Butler, Covington, Conecuh, Escambia, Houston, Monroe, Clarke, Washington, Mobile, Geneva, and Baldwin Counties.</li> </ul> <p>Each member must reside in the district from which appointed.</p>
<b>Consumer Representation</b>	The board is required to have one consumer member. The position is currently vacant.
<b>Other Representation</b>	No additional representation requirements
<b>Compensation</b>	Board members receive travel expense reimbursement at the same rate as state employees.

<u>Operations</u>	
<b>Administrator</b>	<p>Celia Griffin  Office Administrator  Employed by contract  \$10,000 annual salary  Appointed by the chairman of the board with the consent of the majority of the members of the board.  Salary set by the board.</p>
<b>Location</b>	<p>Mailing Address:  P. O. Box 11026  Birmingham, AL 35202</p> <p>Physical Location:  EYSIS, Inc.  279 Snow Drive  Homewood, AL 35209</p>
<b>Type of License</b>	<p>As of July 3, 2004</p> <p>Interior Designers = 188</p>
<b>Renewal</b>	<p>Certificates of Registration expire and become invalid on the 30<sup>th</sup> day of September following their issuance or renewal.</p>
<b>Examinations</b>	<p>The board does not administer examinations, but requires applicants to have passed the National Council for Interior Design Qualification (NCIDQ) examination, or any equivalent examination based on the standards set by the NCIDQ.</p>
<b>Continuing Education</b>	<p>Interior Designer – a minimum of 8 continuing education contact hours per reporting period  Registered Interior Designer – a minimum of 10 continuing education contact hours per reporting period.</p>

<b>Reciprocity</b>	<p>The board may issue a certificate of registration to any individual who is registered or licensed to practice in any state and who has passed the NCIDQ examination or any equivalent examination. The board may also issue a registered interior designer status to any person registered or licensed to practice interior design in any state who has successfully passed the sealed level examination or equivalent.</p> <p>The board has granted 3 reciprocal licenses since June 2003</p>
<b>Legal Counsel</b>	<p>James M. Smith, Esq. Private attorney Deputy Attorney General</p>
<b>Subpoena Power</b>	Yes, both people and documents
<b>Internet Presence</b>	<p>The board anticipates that its website will be operable by the end of July 2004. The web address will be <a href="http://www.idboard.Alabama.gov">www.idboard.Alabama.gov</a> . The website is to include a current roster of interior designers, CEU information, forms, schedules and other pertinent board information.</p>
<b>Attended Board Member Training</b>	<p>Two current board members, Sallye Coggin and Anne Nieman, and one former board member, Janel Fowler. The board's administrative officer has not attended.</p>
<b><u>Financial Information</u></b>	
<b>Source of Funds</b>	Licensing fees
<b>State Treasury</b>	Yes
<b>Unused Funds</b>	Retains unexpended funds.

## SIGNIFICANT ITEMS

1. **The Current Interior Designer Practice Law Prohibits Unlicensed Practice as an Interior Decorator.** The current practice law for interior designers became effective August 1, 2001. The practice law repealed a title law that had been in effect since 1982. A practice law defines and regulates the practice of a profession and prohibits the practice of a profession without a license. A title law prohibits the use of a specific professional title without a license and specifies the minimum qualifications necessary to use the title, but does not prohibit the unlicensed practice of the profession, so long as the title is not used.

The only notification of the new practice act to the profession provided in the act is a requirement to notify within 30 days of August 1, 2001 those persons previously licensed under the repealed title law in order to obtain nominations for new board members.

Alabama's practice law prohibits the unlicensed practice of interior design, and defines the practice of interior design broadly enough to incorporate the practices normally attributed to interior decorators. The law does not exempt or recognize the professional practice of interior decoration. Consequently, persons who do not have the formal education and/or experience requirements necessary to obtain a license and practice interior design cannot legally independently practice interior decoration as an alternative.

Current law gives the board specific powers to institute legal proceedings, both criminal and civil, and to enforce violations of the interior design licensing law, which includes unlicensed practice. The current law also gives the board subpoena power and the statutory authority to levy administrative fines. The board has been aggressive in the exercise of its regulatory power.

The practice act for a period of one year following August 1, 2001 grandfathered persons who applied to the board and who were previously registered or licensed under the repealed title law. In addition, temporary exemptions from regulation by the board were provided for persons with specified levels of education and experience acceptable to the board, and for persons certified by the National Kitchen and Bath Association. The temporary exemptions expired six months after August 1, 2001, unless the exempted persons passed a code examination. Persons with 25 years experience in interior design acceptable to the board and who applied to the board within six months following August 1, 2001 were eligible for a permanent exemption from regulation by the board. Exempted persons are not licensed by the board and are prohibited from using the title "interior designer" or like terminology.

Interior design services, as defined in Alabama's interior design practice act, includes "the performance of, or offering to perform, services for a fee or other compensation, directly or indirectly, to another person, or to a partnership, corporation, or other legal

entity, in connection with the design, utilization, furnishing, or fabrication of elements in interior spaces in buildings, homes, and related structures.” These services “include, but are not limited to the following: Programming the functional requirements for interior spaces; planning interior spaces; preparing analyses of user needs for interior spaces; preparing designs, drawings, and specifications for selection, use, location, color, and finishes of interior walls, materials, equipment, furnishings, furniture, and personal property; administering contracts for fabrication, procurement, or installation in connection with reflected ceiling plans, space utilization, furnishings, or the fabrication of nonstructural elements within and surrounding interior spaces of buildings.”

Interior decorating services, while not defined in Alabama’s law, are normally considered to have the goal of improving the attractiveness of interior spaces. These services can include space planning or “layout”, color schemes, furniture, paint and wallpaper, window coverings, fabrics, flooring and carpeting, lighting, art objects, hardware fixtures, accessories (e.g. vases, pillows, bookends), plants, hiring and supervising contractors, meeting with clients to determine their wants and needs, reviewing and taking measurements of the space to be decorated, preparing proposed room layouts, obtaining cost estimates, showing samples (e.g. colors, fabrics, tiles) to clients, arranging and overseeing painting, wallpapering, flooring, etc., and selecting and purchasing furnishings and other items

Interior design work is normally defined to include interior decorating work but, in addition to improving attractiveness, also includes other goals. According to the official definition endorsed by the National Council for Interior Design Qualification (NCIDQ) and the Foundation for Interior Design Education Research (FIDER), an interior designer is qualified “to enhance the function and quality of interior spaces for the purpose of improving the quality of life, increasing productivity, and protecting the health, safety, and welfare of the public.” Interior designers may do work on office buildings, airport terminals, hospitals, manufacturing plants, government institutions, and other types of buildings. Normally, interior designers are formally educated to acquire skills in analyzing clients’ needs, goals and safety requirements, in preparing working drawings and specifications in compliance with universal accessibility guidelines and applicable codes, and in working with other licensed practitioners in the technical areas of mechanical, electrical and load-bearing design as may be required for regulatory approval.

2. **Unsuccessful legislation was introduced in the 2004 regular session to repeal and re-establish the board’s enabling statutes.** Senate Bills 32 and 206 were introduced to repeal Sections 34-15B-1 through 34-15B-18. House Bill 653 and Senate Bill 431 were introduced to amend and re-establish the interior design licensing law. The effect of the bills on the board’s enabling statutes would have been:

- To alter the composition of the board to include representation from all levels of licensure

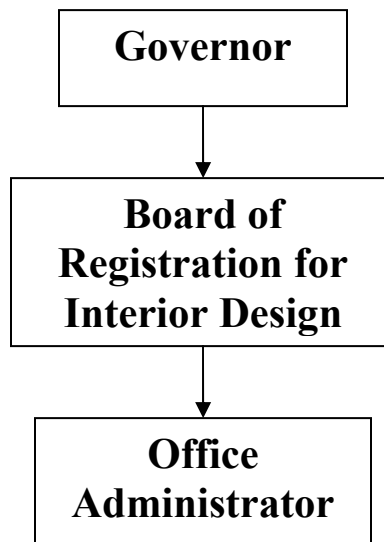
- To increase the levels of licensure offered by the board from two levels [registered interior designer and registered interior designer with a seal designation] to three levels [registered interior designer, licensed interior designer and certified interior designer].
- To define the registered interior designer certificate as an experience based “grandfathering” level of licensure for persons who did not meet the education requirements on August 1, 2001, but were performing aspects of interior design professionally by that date. The definition set a time limit for expiration of the grandfather provision.
- To define the licensed interior designer certificate as an education and experience level of licensure that requires passing a national level examination.
- To define the registered interior designer certificate as an education and experience level of licensure that requires passing a national examination and a board approved and created “sealed” examination.
- To specify that an interior design program must be accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation rather than the Foundation for Interior Design Education Research (FIDER)
- To exempt all persons certified by the National Kitchen and Bath Association from licensure requirements of the enabling statutes, except for title restriction
- To exempt “any person who performs interior design services or interior decorator services for residential application” from licensure requirements of the enabling statutes, except for title restriction

Minutes of board meetings show that the board voted to accept amendments to its law. According to the board’s chair, a separate group, the Interior Design Coalition, opposed some of the amendments accepted by the board. The Interior Design Coalition employed a lobbyist to promote its interests to the legislature.

## STATUS OF PRIOR FINDINGS

Prior findings and significant items have been resolved.

## ORGANIZATION



## PERSONNEL

The board contracts for a part-time office administrator. The position is held by Celia Griffin, a white female, who works approximately 18 hours a week for a compensation of no more than \$10,000 per contract year. Legal services are provided by James M. Smith, a private attorney.

## PERFORMANCE CHARACTERISTICS

**Number of Licensees per Employee** – 188

**Total Expenditure per Licensee (2002-2003 fiscal Year)** - \$133.81

**Number of Persons per Licensee in Alabama and Surrounding States**

State	Population (Estimate)	Number of Licensees	Persons Per Licensee
Alabama	4,500,752	188	23,940
Florida	17,018,068	2613	6,513
Georgia	8,684,715	327	26,558
Tennessee	5,841,748	483	12,095

### **Notification to Licensees of Board decisions to Amend Administrative Rules**

The board complies with procedures as provided in the state's Administrative Procedure Act, which includes submitting proposed rules to the Legislative Reference Service and publication of those rules in the Administrative Monthly.

### **Overlap of Regulation with Other Entities**

Architects, engineers and home builders are each separately licensed by their own state professional licensing boards to perform professional practices that overlap the practices of interior design. Architects and engineers, by law, have input into the examination for licensure to practice interior design. The *Code of Alabama 1975*, Section 34-15B-7 states that the examination committee charged with the development of the sealed level examination to be given to persons seeking authorization as a registered interior designer shall be composed of "three members appointed by the board; three members who shall be appointed by the State Board of Registration for Architects; two members shall be registered professional engineers, one of whom the board will appoint and the other appointed by the State Board of Registration for Architects." The *Code of Alabama 1975*, Section 34-15B-9 provides an exemption that allows the practice of interior design by architects; licensed home builders and their employees whose activities are limited to the licensed builder's houses and projects and licensed general contractors and their employees whose activities are limited to the licensed general contractors' projects; and engineers and their employees and subordinates under their supervision or control whose activities are incidental to the practice of engineering; however, all of the title restrictions in place under the statutory authority for the Board of Registration for Interior Design still exist.

### **Complaint Resolution**

Board rules 485-X-7-.01 through 485-X-7-.08 provide procedures for documentation, receipt, and investigation of complaints relating to board licensees and the unlicensed practice of interior design. The most frequent complaints allege the practice or advertisement of interior design without a license. The board received 118, 130 and 30 complaints during the 2002, 2003 and 2004 (to date) years respectively.

Responding to an inquiry whether changes have been made to the board's complaint handling process, the board's chairperson, Courtney Oglesby, stated, "Yes, in November 2003 [the] sunset committee asked the board to refrain from investigating violation reports....The board agreed to the request of the sunset committee...." She further stated that the board had not received notice to resume investigating violations, although the board has made inquiries concerning the matter. A review of the board's violation reports

for 2003 and 2004 (to date) affirm that the board has not pursued the complaints, except to log them.

Complaint Received in:		Complaint Resolved in:			
		2002	2003	2004	Pending
2002	118	45	43	0	30
2003	130	0	12	0	118
2004	30	0	0	0	30

### **Complaint Process**

Initial Documentation	Complaints are sent to the board in writing on prescribed forms (violation report) along with a copy of the alleged violation. (Administrative Code, Section 485-X-7-.01(1))
Informal Disciplinary Procedure	An enforcement committee consisting of a board member and five licensed interior designers representing the five districts of the state investigates the information or complaint to determine whether there is probably cause for disciplinary proceedings. A written violation investigation notice by the Deputy Attorney General Designee is sent to the last known business or residence address of the respondent. (Administrative Code, Section 485-X-7-.01(4)).
Formal Hearings	If the board determines that a hearing is warranted, the board gives written notice of the specific factual allegations and charges against the respondent and the time and place of a hearing by the board. The board may administer oaths and affirmations, examine witnesses, and receive evidence at a hearing. The board may conduct hearings with the assistance of a hearing officer. Upon conclusion of the hearing, the board or the hearing officer determines the appropriate action to be taken, and shall notify the respondent. The accused may appeal from any disciplinary action to the Circuit Court of Montgomery County, AL. Either party has the right to appeal from the final decree of the circuit court as provided by law. (Administrative Code, Section 485-X-7-.04(1)(2)(3)).
Resolution/Disposition	<i>Informal Procedures</i> – If the board determines that an individual does not hold a certificate of registration or authorization as a registered interior designer or who is not exempted is engaged in the practice of interior design or is using the titles or terms, the board issues a written notice to cease and desist by certified mail. The respondent submits a

	<p>written response to the alleged violation and indicates either a resolution of the complaint or a detailed admission or denial.</p> <p>If the board is satisfied that the alleged violation is fully resolved, the board chairman or the Deputy Attorney General Designee issues a written notice to the respondent that the case is closed</p> <p><i>Formal Procedures</i> – An individual who engages in the practice of interior design or uses the titles or terms without possessing a certification of registration or authorization as a registered interior designer is guilty of a Class A misdemeanor. The board may impose fines and penalties pursuant to state law.</p> <p>If the board is required to seek enforcement of the order for a penalty, it is entitled to collect its attorney’s fee and costs together with any costs of collection. If the board determines that a hearing is warranted, the board gives written notice. (Administrative <u>Code, Section 485-X-7-.07(4)</u>).</p>
Anonymous Complaints	<p>The board accepts anonymous complaints and/or incomplete forms. An anonymous complaint must be submitted in writing and must be considered if it is legally sufficient, if the alleged violation is substantial and/or if the board believes that the alleged violation is true.</p> <p>Complainants may remain anonymous until a hearing is conducted and the respondent may have the opportunity to confront and cross-examine the complainant and other witnesses. (<u>Administrative Code, Section 485-X-7-.01(2)</u>)</p>

## FINANCIAL INFORMATION

### Schedule of Fees

The ***Code of Alabama 1975***, Section 34-15B-5 authorizes the board to set fees. The following fees have been set.

<b><u>Fee</u></b>	<b><u>Code Cite</u></b>	<b><u>Amount</u></b>
Application Fee	34-15B-5 (16)	\$25.00
Interior Designer Registration Fee	34-15B-5 (4)	\$100.00
Registered Interior Designer Registration Fee	34-15B-5 (4)	\$100.00
Interior Designer Out of State Registration Fee	34-15B-5 (4)	\$100.00
Registered Interior Designer Out of State Registration Fee	34-15B-5 (4)	\$100.00
Interior Designer Annual Renewal Fee	34-15B-5 (4)	\$100.00
Registered Interior Designer Annual Renewal Fee	34-15B-5 (4)	\$100.00
Interior Designer Out of State Renewal Fee	34-15B-5 (4)	\$100.00
Registered Interior Designer Out of State Renewal Fee	34-15B-5 (4)	\$100.00
Replacing Lost Certificate of Registration	34-15B-5 (16)	\$50.00
Replacing Lost Stamp or Seal	34-15B-5 (16)	To be decided
Inactive Status	34-15B-5 (16)	\$0
Fee for Records Reproduction	34-15B-5 (16)	\$20.00
Printing Fee for Roster	34-15B-5 (16)	\$20.00
Mailing Labels	34-15B-5 (16)	\$20.00
Mailing Labels on Diskette	34-15B-5 (16)	\$10.00
Copy of Registration Act	34-15B-5 (16)	\$25.00
Copy of Rules and Regulations	34-15B-5 (16)	\$25.00
Stamp or Seal for Registered Interior Designer	34-15B-5 (16)	To be decided
Interior Designer Reinstatement Fee	34-15B-5 (16)	\$250.00
Registered Interior Designer Reinstatement Fee	34-15B-5 (16)	\$250.00
Late Fee (after October 1) in Addition to Renewal Fee	34-15B-5 (16)	\$100.00
Reactivation from Inactive Status Fee	34-15B-5 (16)	\$250.00
Restoration of a Revoked Certificate of Registration	34-15B-5 (16)	\$500.00
Continuing Education Yearly Maintenance Fee	34-15B-5 (16)	\$25.00
Continuing Education Guidelines	34-15B-5 (16)	\$10.00
Educational Guidelines	34-15B-5 (16)	\$15.00
Review of Non-FIDER Accredited Lines	34-15B-5 (16)	\$750.00
Processing Fee for Registered Interior Designer Examination (Examination Fee due and payable to others)	34-15B-5 (16)	\$50
Processing Fee for Interior Designer Examination (Examination Fee due and payable to NCIDQ)	34-15B-5 (16)	\$0

## Disciplinary Guidelines

The *Code of Alabama 1975*, Section 34-15B-10 authorizes the board to collect administrative fines not to exceed \$2,000 for violations of the interior design licensing law.

Description of Offense	Fine		
	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fraud, deceit, dishonesty or misrepresentation, whether knowing or unknowing, in the practice of interior design or in obtaining a Certificate of Registration or authorization as a registered interior designer.	\$500.00	\$1,000.00 and probation	\$2,000.00 and suspension or revocation
Gross negligence, misconduct, or incompetence in the practice of interior design.	\$500.00	\$1,000.00 and probation	\$2,000.00 and suspension or revocation
Conviction of a felony until civil rights are restored	\$500.00	\$1,000.00 and probation	\$2,000.00 and suspension or revocation
Habitual drunkenness or addiction and abuse or both of controlled substances without a doctor's prescription or in violation of the state controlled substance act.	\$150.00	\$300.00 and probation	\$600.00 and suspension or revocation
Incompetence, as adjudged by a court having jurisdiction	\$250.00 and probation	\$500.00 and probation	\$500.00 and suspension or revocation
Directly or indirectly aiding or abetting in the practice of interior design by an individual not authorized to practice interior design	\$250.00	\$500.00 and probation	\$1,000.00 and suspension or revocation
Practicing interior design in the state in violation of the Code of Conduct	\$125.00	\$250.00 and probation	\$500.00 and suspension or revocation
Practicing interior design in this state or any other state or country in violation of the laws of that state or country	\$500.00	\$1,000.00 and probation	\$2,000.00 and suspension or revocation
Failure to pay any fees or fines assessed by the Board	\$125.00	\$250.00 and probation	\$500.00 and suspension or revocation
Failure to comply with any order of the Board	\$250.00	\$500.00 and probation	\$750.00 and suspension or

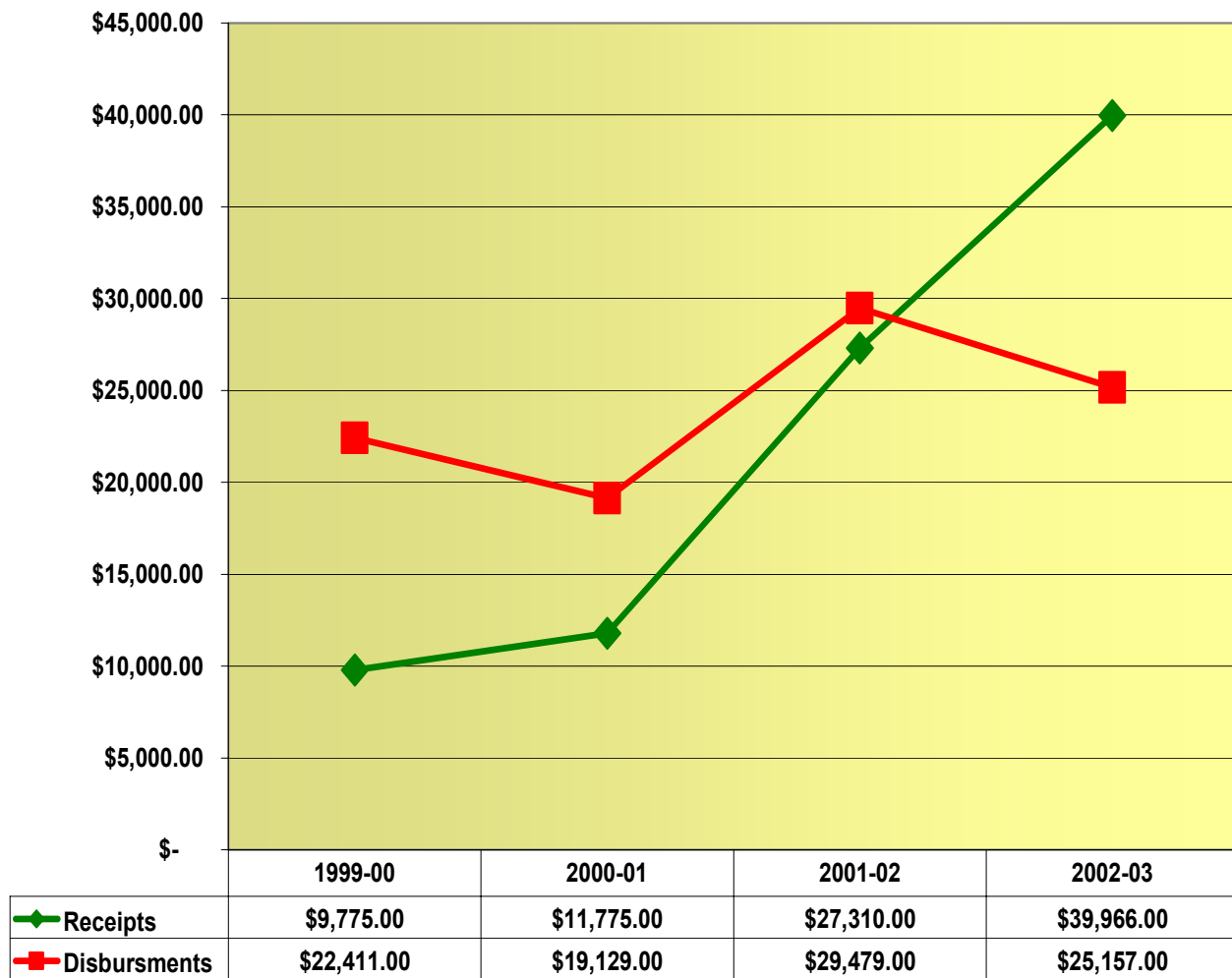
			revocation
Practice of interior design while on probation	\$500.00	\$750.00 and probation	\$1,500.00 and suspension or revocation
Practice of interior design on a suspended license	\$750.00	\$1,500.00 and probation	\$2,000.00 and suspension or revocation
Practice of interior design while inactive	\$500.00	\$750.00 and probation	\$1,500.00 and suspension or revocation
Practice of interior design on a revoked license	\$1,500.00	\$1,750.00	\$2,000.00
Failure to obtain continuing education hours	\$100.00	\$100.00	\$100.00
Settlement prior to an administrative hearing for the unlicensed use of restricted titles or terms	\$350.00	\$750.00	\$1,500
Settlement after an administrative hearing for the unlicensed use of restricted titles or terms	\$600.00 plus administrative costs	\$1,200.00 plus administrative costs	\$2,000.00 plus administrative costs.

## Schedule of Operating Receipts, Disbursements, and Balances

**October 1, 1999 through September 30, 2003**

	<b><u>2002-03</u></b>	<b><u>2001-02</u></b>	<b><u>2000-01</u></b>	<b><u>1999-00</u></b>
<b><u>Receipts</u></b>	\$39,965.50	\$27,310.00	\$11,775.00	\$ 9,775.00
<b><u>Disbursements</u></b>				
Personnel Costs	7,202.50	6,817.50	6,662.84	7,450.63
Employee Benefits	551.01	521.54	509.71	569.97
Travel In-State	286.99	2,832.21	1,113.48	950.45
Travel Out-of-State	230.50	1,617.55	-	2,004.38
Repairs and Maintenance	-	427.15	-	-
Rentals and Leases	228.31	-	-	-
Utilities and Communications	3,160.29	2,201.51	2,762.03	1,690.98
Professional Services	8,572.16	9,528.79	3,639.58	3,197.50
Supplies, Materials, and Operating Expense	4,925.13	5,532.58	4,390.97	3,561.58
Grants and Benefits	-	-	50.00	-
Other Equipment Purchases	-	-	-	2,986.00
Total Disbursements	25,156.89	29,478.83	19,128.61	22,411.49
Excess (Deficiency) of Receipts over Disbursements	14,808.61	(2,168.83)	(7,353.61)	(12,636.49)
Cash Balance at Beginning of Year	8,921.66	11,090.49	18,444.10	31,080.59
Cash Balance at End of Year	23,730.27	8,921.66	11,090.49	18,444.10
Reserved for Year-End Obligations	1,430.80	935.15	6,395.98	1,900.00
Unobligated Cash Balance at End of Year	<u>\$22,299.47</u>	<u>\$ 7,986.51</u>	<u>\$ 4,694.51</u>	<u>\$16,544.10</u>

Operating Receipts Vs Operating Disbursements (Chart)



## QUESTIONNAIRE

### Board Member Questionnaire

**Questionnaires were mailed to six board members. Six responded.**

#### **Question #1**

**What are the most significant issues currently facing the Board of Registration for Interior Design and how is the Board addressing these issues?**

Respondent 1—“One significant issue facing the board is the constant struggle to cover its expenses. The majority of the board has waived reimbursement of their own expenses incurred in their capacity as a board member. The numerous mandatory meetings in Montgomery this past year has added to personal expense. Another issue, related to the above, is the moratorium pursuant to violations. In general, the board’s abilities to perform its duties as prescribed by law have been compromised by the repeated meetings in Montgomery over the last six months, where the board was requested to act in a capacity beyond its scope of responsibility per State law. As to how the board is addressing the above issues, it remains fiscally sound despite financial constraints. Re-establishment of the processing of violation reports filed over the past six months has been requested of the Sunset Committee and will allow the board to comply with State law pertaining to enforcement duties.”

Respondent 2—“The Board is self-funded through registrations, fees, and to a lesser extend, fine collection. Adequate funding has been an issue since the new Board was founded, but we are steadily becoming more solvent as registrations increase.

This current year, the Board has been severely hampered in doing its duty under the law due to dealings with Legislative matters brought about by the Sunset Committee. The Board is an all-volunteer group, most of whom are sole proprietors or employees of businesses and cannot devote unlimited time to the Board; therefore, our mission has been delayed on most matters of routine business this year.

I am concerned about delaying hearings that are already in process. Minor offenders are left in limbo, uncertain of outcomes that may affect their business. Delays could also cause harm to the public if a flagrant offender is allowed to continue practicing. This also gives a poor impression of the Board when law-abiding interior designers and their clients see we are doing nothing about violators. This leaves the client wondering if they are getting what they are paying for and diminishes the designer’s ability to be fairly compensated for their higher qualifications.”

Respondent 3—“The Board has had to spend an enormous amount of time on legislative issues at the request of an arm of the Sunset Committee; this has prevented us from being able to work on needed board work. Funding is another problem, as we are a new board and it will take some time to work out all the details [to be] worked out.”

Respondent 4—“In an effort to improve communication, the Board is in the process of establishing a web site. The address is [www.idboard.alabama.gov](http://www.idboard.alabama.gov). The web site will include a current membership roster, pertinent forms, CEU updates, and other general information. We are very excited by the new offering and hope that our members feel better connected to their board.

A second issue that is currently facing the Board is the 2003 review by the Sunset Committee. The Board has taken this review very seriously and is committed to resolving the conflict. As directed by the Sunset Committee, the Board met with a subcommittee chaired by Senator Figures for several months during the last legislative Session. The committee included individuals who were associated with the National Kitchen and Bath Association (NKBA), and the decorating community. After numerous meetings, an amendment was drafted to the current statute. The Board felt that they had participated in good faith, making serious compromises. Additionally, at the request of the 2003 Sunset Committee, the Board has not investigated violation cases since November of 2003 to the present. This has made it difficult for the Board to meet our responsibilities. The Board is hopeful that the Sunset Committee will provide direction regarding these issues.”

Respondent 5—“The most significant issues facing the board at this time are those of costs/expenses and the ability to perform our appointed duties. Over the past several months the board has been hindered from performing our duties due to the mandatory meetings in Montgomery. We as a board have taken our personal time as well as personal expense to try to get things settled so that we can fulfill our responsibilities as a board. We need to be allowed to return to our duties especially violations as this is very important.”

Respondent 6—“The most significant issues at this time are resolving the current disputes and issues regarding the present law as written. The board is addressing this issue by attending scheduled hearings and is working to resolve any conflicts to the best of its ability, and is cooperating with the involved parties to implement whatever resolutions may occur. However, the Board has been placed in an awkward position in my opinion, by being given the directive to interpret and draft possible solutions to the law it is responsible for upholding. The Board is responsible for enforcing the current law, but should not be responsible for rewriting it.”

## **Question #2**

**Section 24-15B-3 (4)(b)(4) of the Board’s enabling statutes states that interior design does not include the performance of services, including installation and computer-aided or other drawings, so long as the services are pursuant to a retail sale. What criteria does the Board review when the Board is assessing an unlicensed practitioner to determine if the practitioner’s activities fall under this section? Are the criteria applied uniformly to all unlicensed practitioners or on a case-by-case basis?**

Respondent 1—“There is an established procedure that is followed when a violation report is received. It is not subjective and it is consistently and uniformly applied to every violation report without bias. The enforcement committee handles all violations and provides a written report along with a matrix showing the status of each violation. Each case is individually reviewed by the board and much discussion, sometimes lengthy, ensues. A letter is sent to all violators stating the infringement and the steps to take to close the case. A second and then a third letter are sent if necessary to follow up on non-respondents or cases still open. A total of three opportunities are provided for an individual to resolve a violation after which a hearing is scheduled to rectify the issue(s). At the conclusion, fines may or may not be levied and are based on an established schedule. This has been a standard procedure since the inception of the board in 2001.

Respondent 2—“The Board has a specific process, or chain of events, that occurs when a violation report on any practitioner is received from the public. First, the report must have a corroborating evidence of a violation. The report is then turned over to the enforcement committee, whose purpose is to contact the reported violator and attempt to ascertain through investigation if the report is accurate. Each reported violator is given several opportunities to clarify or resolve the issue through the committee. Most violations can easily be cleared up through written communication. If efforts to resolve the issue fail, the committee must decide whether to bring the violations report and investigative results before the Board. The full Board then decides, with the advice of out Deputy Attorney General, whether the violator should be brought to a hearing. Many violators wind up at a hearing on minor violations solely because they do not try to understand how they are in violation of the law or do not seek legal council to clarify the law to them. This is unfortunate for those violators as well as the Board as it results in unnecessary time and expense to all involved. As the law becomes more widely understood, I feel that hearings for minor violations will be vastly reduced and only the most flagrant violators will end up in a hearing.”

Respondent 3—“There’s a committee in place to review complaints which must have corroborating evidence. Several opportunities are given to the “accused” to resolve the issue(s), after which the individual is called before the board. In many cases, resolution is possible with no fine imposed. In a few cases, further steps are taken, according to a strict set of policies that are followed.”

Respondent 4—“The Board established a “violation committee” to oversee the investigation of complaints as they are turned into the Board office. The committee reports to the Board. Complaints must be turned into the Board office on an approved form and accompanied by corroborating evidence of a violation. The individual in question receives a letter from the deputy attorney general that requires a written response. Based upon this response, further action may or may not be required. If further action is necessary the respondent has multiple opportunities to resolve the situation. If this is not done, the Board will set a hearing date to review the case with the respondent. The individual may have council present if they desire. This is a standard process that is followed with each and every case.

In the past, if the violation committee was trying to confirm a retail sale, the respondent would have been asked to provide documentation to show that the individual or company had purchased and received goods that they in turn resold to a consumer.”

Respondent 5—“All reports that come in to the board are evaluated by the same standards. The Board reviewed the submissions individually but all have the same criteria to be met. The Board reviews the criteria against the submission, discusses the case and makes recommendations based on meeting the criteria.”

Respondent 6—“The Board considers evidence, after it has been examined and then submitted by the appropriate committee responsible for monitoring violations and compliance. Violators are given multiple chances to correct the record, disprove, or otherwise refute any violation. In my experience the Board has applied any and all criteria uniformly as it considers each case.”

### **Question #3**

**House Bill 653 and Senate Bill 431 were submitted in the 2004 regular session to re-establish the Board with the authority to issue three levels of licensure. How would this reorganization have affected the Board, the Board’s licensees, unlicensed practitioners and the Board’s mandate to safeguard the public well being?**

Respondent 1—“The reorganization of the board per HB 653 and SB 431 would dilute the current legislation, particularly regarding health, safety and welfare issues. The third level proposed by the amendment would allow individuals without and earned degree from an accredited program recognized by an interior design accrediting body (e.g. FIDER) and those who have not passed a minimum competency examination (e. g. NCIDQ), to practice interior design. Given, these individuals would bring a minimum of ten years practice experience and/or education, however the lack of minimal education and testing would create a licensed category unprepared to adequately address issues directly pertaining to the public’s health, safety, and welfare (as prescribed in accredited design programs and qualification testing). That would have an impact on the board in terms of potential violations involving health, safety, and welfare. Present licensees have adhered to the law in becoming registered with the State Board. Regulation in this State has been law and in effect in one form or another since the early 1980’s and minimum educational requirements (i.e. FIDER) have been operational for nearly thirty years. Unlicensed individuals who were eligible for registration over the last 20 years chose not to be registered, for whatever reason. The basic tenant of this law is that registrants must be prepared for the most stringent practice requirements, regardless of the nature of their own practice.”

Respondent 2—“The passage of the amendment would not necessarily affect the Board, as we are mandated to enforce the law as written. I am more concerned about how it would affect the practitioners who have worked so hard to establish their credentials of education, testing and experience, only to see them diminished by allowing those [who] are unwilling to do the same receive equal professional recognition in the eyes of the

general public. Our Practice Act was established so that the public could distinguish between interior designers who have proven qualifications in codes and practice standards and those who do not. Why bother getting a degree, passing a comprehensive exam, staying current through continuing education courses each year, and paying for registration every year when it really doesn't matter in the long run? Diminishing current requirements would harm the value of the interior design degree programs of this state who have worked very hard to obtain and maintain national accreditation and those graduates of these programs who are looking forward to a highly regarded, and fairly compensated, professional future.

There is also the issue of public perception. Interior design is a relatively young profession and we are working to upgrade our own standards of practice to better serve the public who pay for and count on our services in their homes and businesses. There is already confusion among the public on what exactly is the difference between decorators and interior designers. A third level of interior design licensure to non-credentialed individuals does not help in this regard. Allowing anyone who wants to hold themselves out as an interior designer does a disservice to the public who avail themselves of the services and to the general advancement of the profession. All new professions must transition through these types of issues, but going backwards is not good for our interior design clients or the new generation of interior design professionals.

The Board is mandated to safeguard the public by providing a means to distinguish person who hold themselves out as interior designers but who have failed to demonstrate any knowledge of current codes or practice standards from those who have proven minimum competency. Having too many Board members with no experience in current codes and practice standards will make the duty of the Board even harder to practice as these Board members will not necessarily understand the effects that decisions of the Board may have on the current and future clients of persons who have not proven their credentials. Clients can most definitely suffer project delays, costly code corrections required by building inspectors, and lawsuits all brought about by practitioners who do not understand basic building codes and standards related to the interior design profession.”

Respondent 3—“So many levels of licensure create a problem as the public is confused by all the levels and some of the levels do not include the testing, education and experience requirements that would insure competency and knowledge of codes to make sure that public safety and welfare are guarded. It is difficult to impose consistent standards when the various levels of competency are so confusing.”

Respondent 4—“The establishment of a third level interior designer by HB 653 and SB 431 significantly reduced the educational and testing requirements found in the statute to ensure the safety of the public by mandating that interior designers were professionals who were qualified through education, experience and testing. The new level allowed use of the title and practice thereby holding these new individuals out to be qualified professionals. Although the new level required either experience or education or a combination of both, a degree was not mandatory and testing was completely eliminated. It is a serious misrepresentation to the public. The architectural community has also

criticized HB 653 and SB 431 because the amendment effectively waters down the legislation. For this reason they do not support it.

In addition, the licensees have criticized it because it eliminates the need for a degree thereby jeopardizing the time and money they have spent when the new level allows an individual to practice without the same standards they have been required to meet.

The Board is cognizant of the fact that the legislation is not perfect and we support an amendment to address the short falls. We respectfully ask the legislature to allow our legislative arm, the Alabama Interior Design Coalition (ADIC) to work through the legislative channels to pursue the amendment.”

Respondent 5—“House Bill 653 and Senate Bill 431 would affect not as much the board but the community. These bills would allow persons without the health safety and welfare knowledge gained by education and testing to practice in situations that could have an adverse effect on the general public. Yes, before the board was formed these people were practicing but that is why the board was formed to regulate the profession. There are codes that have to be met and without continuing education, graduation from accredited schools, without standards to be met we have the potential for endangerment and the lack of health, safety and welfare for the general public.”

Respondent 6—“Since the Board is only responsible for upholding and enforcing the law, any new law would simply need to be enforced if it were deemed the current legislation is inadequate.

New legislation would have a direct impact on every licensed Interior Designer in Alabama by either supporting or essentially defeating the current licensure. Every licensee would need a new certificate of licensure which would be an enormous effort both logistically and financially. All rosters, forms of application, rules and regulation s would need to be rewritten to reflect the new policy. In short, it may seem simple, but if the current law is revised, there will be a considerable burden placed on the Board to virtually start overall documentation that has been complied over the last 20 years or so.

With regard to how it would affect the public—In my opinion, it would be detrimental. Many professions are currently regulated to protect the welfare of the public – attorneys, physicians, electricians, engineers, architects, to name a few. One only needs to look at examples of mass devastation and death that have occurred in the past due to poor or inadequate fire suppression systems, lack or insufficient quantity of exits, or use of hazardous materials that are inappropriate which have contributed to the catastrophic loss of lives and property. Taking away a means to protect the public by individuals that are highly trained, experienced, and educated is not only illogical; it is publicly irresponsible and dangerous. There is a grave misunderstanding that Interior Designers “only pick paint and pillows”. I personally spent 5 years in the School of Architecture so I could do more, and would have the credentials to prove it. Providing a better environment for people to live and work in is a huge responsibility and the Board rightfully and happily helps provide that security. Allowing unqualified people to perform duties that require responsible decision, educated judgments, and the utmost regard for building codes, safety and security is in direct conflict with what the Board has been charged to enforce.”

## APPENDICES

### Statutory Authority

#### **CHAPTER 15B. ALABAMA INTERIOR DESIGN CONSUMER PROTECTION ACT.**

#### **HISTORICAL NOTES**

##### **HISTORY**

##### **Effective date:**

The act which added this chapter is effective August 1, 2001, except Section 34-15B-8, which is effective January 1, 2002.

##### **Code Commissioner's Notes**

Section 20 of Act 2001-660 repealed Chapter 15A of this title effective August 1, 2001.

#### **REFERENCES**

##### **ADMINISTRATIVE CODE**

12 Ala. Admin. Code 485-X-9-.01 et seq., Board of Registration for Interior Designers; Exemptions.

**§ 34-15B-1. Short title. [AL ST SEC 34-15B-1]**

*Current through End of 2003 Organizational, Regular and 1st Special Session.*

##### **Historical Notes**

This chapter shall be known and may be cited as the "Alabama Interior Design Consumer Protection Act."  
(Act 2001-660, p. 1365, § 1.)

#### **HISTORICAL NOTES**

##### **HISTORY**

##### **Effective date:**

The act which added this section is effective August 1, 2001.

**§ 34-15B-2. Legislative findings. [AL ST SEC 34-15B-2]**

*Current through End of 2003 Organizational, Regular and 1st Special Session.*

**Historical Notes**

The Legislature finds and declares that interior design is a learned profession, involving issues such as indoor pollution, fire safety, space planning, and requirements of special needs citizens. For this is a matter of public interest, safety, protection, and concern that persons practicing interior design merit and receive the confidence of the public and that only qualified persons be permitted to practice interior design in the State of Alabama. This chapter shall be liberally construed to carry out these purposes. (Act 2001-660, p. 1365, § 2.)

**HISTORICAL NOTES**

**HISTORY**

**Effective date:**

The act which added this section is effective August 1, 2001.

**§ 34-15B-3. Definitions. [AL ST SEC 34-15B-3]**

*Current through End of 2003 Organizational, Regular and 1st Special Session.*

**Historical Notes**

As used in this chapter, the following words and phrases shall have the following meanings:

- (1) Board. The Alabama State Board of Registration for Interior Design.
- (2) Certificate of registration. The title of the license issued by the board to an individual in order to authorize the individual to engage in the practice of interior design in the State of Alabama.
- (3) Interior designer. A person who is engaged in, or offers to engage in, the practice of interior design in this state, and who has been issued a certificate of registration by the board in compliance with this chapter.
- (4) Practice of interior design. a. The performance of, or offering to perform, services for a fee or other compensation, directly or indirectly, to another person, or to a partnership, corporation, or other legal entity, in connection with the design, utilization, furnishing, or fabrication of elements in interior spaces in buildings, homes, and related structures. These services include, but are not limited to, the following: Programming the functional requirements for interior spaces; planning interior spaces; preparing analyses of user needs for interior spaces; preparing designs, drawings, and specifications for selection, use, location, color, and finishes of interior walls, materials, equipment, furnishings, furniture, and personal property; administering contracts for fabrication, procurement, or installation in connection with reflected ceiling plans, space utilization, furnishings, or the fabrication of nonstructural elements within and surrounding interior spaces of buildings.

b. The practice of interior design shall not include any of the following:

1. Design of architectural and engineering interior construction relating to building systems, which includes building structural support, elevators, plumbing, heating, ventilation, air conditioning, fire protection, and mechanical and electrical systems, except for specification of fixtures and lamps and their location within interior spaces.

2. Modification of existing building stairwells and elevator shafts.

3. Modification of existing building construction so as to alter the number of persons for which the means of egress of a building is designed.

4. The performance of services pursuant to selling, selecting, or assisting in selecting personal property or fixtures, such as, but not limited to, furnishings, decorative accessories, furniture, paint, wall coverings, window treatments, floor coverings, surface mounted lighting, or decorative materials, pursuant to a retail sale; installing or coordinating installation as part of the prospective retail sale; or providing computer-aided or other drawings for the purpose of retail sales, provided those drawings are for materials lists. Provided, however, an individual, partnership, or corporation shall not use the title designations set forth in Section 34-15B-8 nor receive a certificate of registration without successful completion of the NCIDQ examination and/or a sealed level examination, as applicable and as approved by the board. Services performed shall be subject to all fire, safety, building, and construction codes.

(5) Practicing interior design. Performing, or offering or attempting to perform, any service, work, act, or thing, within the scope of the definition of the practice of interior design.

(6) Registered interior designer. A person who is engaged in, or offers to engage in, the practice of interior design in this state, who has been issued a certificate of registration by the board in compliance with this chapter, who has been further approved by the board as a registered interior designer, and who has successfully passed a sealed level examination or an equivalent examination approved by the board. A registered interior designer may exercise all titles and authority issued by this chapter to both a registered interior designer and an interior designer. Registered interior designers may submit sealed stamped drawings, which reflect registered interior design status, to building officials in accordance with this chapter so long as the drawings do not include the design of items specifically excluded from the practice of interior design as defined in subdivision 4, unless the drawing utilizes, references, and incorporates documents prepared by architects, engineers, or other related professionals.

(7) Sealed level examination. An examination, regardless of its eventual title, approved by the board, and administered by an entity approved by the board, which includes testing on technical aspects of interior building systems, structural, framing, mechanical, plumbing, and electrical, as they relate to the profession of interior design.

(Act 2001-660, p. 1365, § 3.)

## HISTORICAL NOTES

## HISTORY

### Effective date:

The act which added this section is effective August 1, 2001.

### **§ 34-15B-4. Alabama State Board of Registration for Interior Design. [AL ST SEC 34-15B-4]**

*Current through End of 2003 Organizational, Regular and 1st Special Session.*

#### [Historical Notes](#)   [References](#)

(a) There is hereby created the Alabama State Board of Registration for Interior Design, to be comprised of seven members appointed by the Governor in the manner set forth in this section. All persons serving as members of the Alabama State Board of Registration for Interior Designers pursuant to Section 34-15A-5, on August 1, 2001, shall immediately serve as interim board members of the Alabama State Board of Registration for Interior Design created by this chapter until members of the board are appointed under this section. Within 90 days after August 1, 2001, the Governor shall appoint the initial seven members in the manner set forth below to replace the interim members.

(b) Of the seven members appointed by the Governor within 90 days, two members shall be appointed for initial terms of two years, two members shall be appointed for initial terms of three years, and three members shall be appointed for initial terms of four years. After the initial appointments, all subsequent appointments shall be for terms of four years, except an appointment to fill a vacancy, which shall be for the unexpired term only. No member shall serve more than two consecutive terms of office. All members shall continue to serve until a successor is appointed.

(c) For continuity purposes of the board, one of the seven board members initially appointed by the Governor within 90 days shall have served as an interim board member and member of the predecessor Alabama State Board of Registration for Interior Designers for a period totaling at least two years, but not more than six years. That board member shall be nominated by the statewide nominating committee as detailed below; shall serve an initial term of two years; and shall represent the district of his or her residence, as detailed in subsection (e), on the board. Upon completion of that board member's two-year term, the statewide nominating committee shall submit the names of two persons from that district to the Governor to fill the next four-year term from that district, as provided in subsection (e).

(d) The composition of the board shall be as follows:

(1) Five members of the board shall hold valid certificates of registration pursuant to this chapter, shall be engaged in the full time practice of interior design, and shall be appointed from districts as detailed in subsection (e), with the exception that five of the initial members shall have been registered as interior designers prior to August 1, 2001, pursuant to Chapter 15A of this title.

(2) One member shall be a professional educator, who teaches in a college or university level interior design program; and one member shall be a consumer who does not hold a certificate of registration.

(3) Of the preceding seven members, at least one must be a member of a minority

race.

(e) The five members of the board holding valid certificates of registration, and appointed by district, shall be appointed as follows:

(1) Five districts shall be created: Northern; Central; Western; Eastern; and Southern. One person holding a valid certificate of registration shall be appointed from each district.

(2) The Northern District shall be comprised of Lauderdale, Colbert, Lawrence, Limestone, Morgan, Cullman, Marshall, Madison, Jackson, DeKalb, Cherokee, Etowah, Calhoun, and Cleburne Counties.

(3) The Central District shall be comprised of Blount, Jefferson, St. Clair, and Talladega Counties.

(4) The Western District shall be comprised of Marion, Winston, Lamar, Fayette, Franklin, Walker, Pickens, Tuscaloosa, Sumter, Greene, Hale, Bibb, Perry, Dallas, Marengo, Choctaw, Lowndes, Shelby, and Wilcox Counties.

(5) The Eastern District shall be comprised of Randolph, Clay, Chilton, Coosa, Tallapoosa, Chambers, Autauga, Elmore, Lee, Macon, Montgomery, Bullock, Pike, Coffee, Dale, Henry, Barbour, Russell, and Crenshaw Counties.

(6) The Southern District shall be comprised of Butler, Covington, Conecuh, Escambia, Houston, Monroe, Clarke, Washington, Mobile, Geneva, and Baldwin Counties.

(7) Within 30 days from August 1, 2001, the chair of the interim board shall notify in writing every individual registered as an interior designer pursuant to Chapter 15A of this title, and every individual holding a valid certificate of registration under this chapter, who resides in the foregoing districts of the time and place for a district nomination meeting. The purpose of the district nomination meeting shall be for the selection of members to a statewide nominating committee. The district nomination meeting shall be held within 40 days from August 1, 2001.

(8) At the district nomination meetings, the members of each district shall select a chair for their respective districts for the meeting, shall proceed according to Robert's Rules of Order, as most recently revised, and shall select one person to serve on the statewide nominating committee. The person may be selected by a plurality of the vote and he or she shall be registered as an interior designer pursuant to Chapter 15A of this title, or hold a valid certificate of registration under this chapter, and reside in the district.

a. The statewide nominating committee shall be composed of one person from each of the foregoing districts. Each person selected for the statewide nominating committee shall immediately notify the chair to the interim board of his or her selection.

b. Within 10 days after its selection, the statewide nominating committee shall meet at a time and place scheduled by the chair of the interim board and do all of the following:

1. Select a chair for the meeting, and proceed according to Robert's Rules of Order, as most recently revised.

2. Select the names of two persons from each district who hold a valid certificate of registration and reside in the districts and send those names and the name of the initial member detailed in subsection (c) to the chair of the

interim board, who shall submit the names to the Governor.

c. The Governor shall then appoint one of the two persons from each of the five districts and the initial board member detailed in subsection (c) so nominated to the board. If no appointment is made within 90 days of August 1, 2001, or within 90 days of the end of a board member's term, the statewide nominating committee shall select a new board member from the names of the two persons that the board submitted to the Governor.

(9) Excluding the interim board, each board member nominated by the statewide nominating committee shall reside in the district from which he or she was appointed.

(10) Initial nominations to the board shall be submitted by the statewide nominating committee to the Governor within 60 days of August 1, 2001. Thereafter, the statewide nominating committee shall submit the names of two persons to the Governor in the foregoing manner no later than 60 days of the expiration of a board member's term, or no later than 60 days of any vacancy on the board.

(11) A statewide nominating committee shall be elected in the foregoing manner every four years for the purpose of filling any vacancies or expired terms which may occur after the initial appointments to the board. The statewide nominating committee shall be convened, by call of the chair of the statewide nominating committee or notice from a majority of the members thereof, as soon as practical whenever a vacancy occurs on the board or at any time within 60 days preceding the expiration of the board member's term. After the initial appointments referenced in subsection (a), all future appointments to the board shall be made in the manner set forth herein. If a vacancy occurs on the statewide nominating committee, the chair of the district where the vacancy has occurred shall schedule a meeting and the members of that district who hold a valid certificate of registration shall select a person holding a valid certificate of registration from that district to fill the vacancy. After a period of one year, only persons holding a valid certificate of registration under this chapter may vote in a district nomination meeting or serve upon the statewide nominating committee.

(f) The educators and consumer members of the board shall be selected by the Governor within 90 days of August 1, 2001, with or without input from the statewide nominating committee; provided, however, neither of the remaining two members of the board may be employed in the fields of construction, architecture, engineering, interior design-interior decorating or any related field, other than teaching in a college or university level interior design program.

(g) The Governor may remove any member of the board for misconduct, incapacity, incompetence, or neglect of duty after the member so charged has been served with a written notice of the same and has been given an opportunity to be heard by the Governor. Absence from any three consecutive meetings of the board, without cause acceptable to the Governor, shall be deemed cause for removal of any member.

(h) Each member of the board shall receive the same per diem, travel, and expense allowance as is paid by law to state employees for the time spent in the performance of his or her duties and in necessary travel.

(i) The board shall hold two or more meetings per year for the purpose of performing its duties pursuant to this chapter. A simple majority of the members of the board shall constitute a quorum at any meeting. A simple majority vote of the members present shall

be sufficient to transact the business of the board. At the initial meeting of the board, to be convened by the Governor within 30 days after the initial appointments are made, the board shall elect a chair from among its members. Thereafter, a chair shall be elected at the first meeting of the board held after October 1 of the following year; the previous chair shall continue to serve until a successor is elected. Vacancies in such chair position shall be filled by act of the board.

(j) The chair may appoint a full-time or part-time executive director or administrative assistant to the board, with the consent of the majority of the members of the board. The executive director or administrative assistant shall serve at the pleasure of the board. The executive director or administrative assistant's salary shall be set by the board, and he or she shall be the executive officer to the board, but shall not be a member of the board. The board, by majority vote of its members, may employ additional persons, who shall serve at the pleasure of the board, to assist the board and the executive director or administrative assistant in the keeping of the records and in the performance of its duties, subject to available funding.

(Act 2001-660, p. 1365, § 4.)

## HISTORICAL NOTES

### HISTORY

#### Effective date:

The act which added this section is effective August 1, 2001.

#### Code Commissioner's Notes

In 2001, the Code Commissioner in (e)(8)b.2. deleted "nine" before "names to the Governor" and in (e)(8)c. inserted "five districts" for "four districts" for purposes of clarity and conformity with other provisions of this section.

Section 20 of Act 2001-660 repealed Chapter 15A of this title, as referred to in subsections (a), (d), and (e) of this section. Act 2001-660 is effective August 1, 2001.


## REFERENCES

### ADMINISTRATIVE CODE

12 Ala. Admin. Code 485-X-1-.01 et seq., Board of Registration for Interior Designers; Composition and Operation of Board.

### LIBRARY REFERENCES

#### American Digest System:

Licenses 21; States  45.

#### Corpus Juris Secundum:

C.J.S. Licenses §§ 37-38; States §§ 79-80, 82, 136.

## **§ 34-15B-5. Powers and duties of board. [AL ST SEC 34-15B-5]**

*Current through End of 2003 Organizational, Regular and 1st Special Session.*

[Historical Notes](#)   [References](#)

The board shall perform the following duties, subject to the other provisions of this

chapter:

- (1) Administer fully this chapter and any rules, regulations, or guidelines promulgated by the board pursuant to this chapter.
- (2) Prescribe, make, adopt, and amend such rules and regulations pursuant to the Alabama Administrative Procedure Act as the board deems necessary to carry out the provisions of this chapter.
- (3) Institute and conduct hearings involving charges against individuals issued a certificate of registration or authorized by the board as registered interior designers, as further provided in this chapter.
- (4) Issue seals and/or certificates of registration to individuals approved by the board as registered interior designers in accordance with this chapter for which an annual fee, in an amount to be determined by the board, shall be assessed and collected.
- (5) Specify the design of official seals to be used by persons authorized as registered interior designers by the board. Each person authorized as a registered interior designer shall purchase from the board such seal with which he or she shall identify all plans, specifications, drawings, reports, or related documents prepared or issued by him or her. The seal shall contain the name of the person authorized as a registered interior designer together with any number or identifying information issued by the board. No individual shall use a seal unless the individual at that time is then authorized as a registered interior designer, including all required renewals thereof.
- (6) Institute legal proceedings for violations of this chapter.
- (7) Grant, deny, revoke, suspend, or reinstate certificates of registration and/or seals and authorizations issued to registered interior designers in conformity with this chapter.
- (8) Keep a record of its proceedings and make an annual report thereon to the Governor and the Legislature.
- (9) For the purpose of enforcing this chapter, conduct investigations and hold hearings concerning any matter covered by this chapter at any time or place within the State of Alabama; administer oaths and affirmations, examine witnesses, and receive evidence; and seek legal or equitable relief from the state circuit courts against persons who violate this chapter.
- (10) Establish standards and requirements of continuing education as a prerequisite to the renewal of a certificate of registration and, if applicable, the renewal of authorization as a registered interior designer on and after August 1, 2001.
- (11) Maintain an official roster showing the name, registration number, and address of all individuals receiving a certificate of registration and/or seal and authorization as a registered interior designer from the board, together with the date, term of the issuance, and the place or places of business where each respective individual is engaged in the practice of interior design, and a record of all renewals, revocations, suspensions, reinstatements, or other actions taken in regard to such persons.
- (12) When necessary, require the attendance of witnesses and the production of all necessary papers, books, records, documentary evidence, and materials in any hearing, investigation, or other proceeding before the board, by means of discovery as

provided in the Alabama Rules of Civil Procedure.

(13) Employ attorneys, accountants, and other persons as may be necessary to assist the board in carrying out this chapter when there is a need for such services and when funds are available for such services.

(14) Adopt rules providing for individuals who have previously obtained a certificate of registration and/or authorization as a registered interior designer to be classified inactive and to avoid the payment of annual fees so long as these individuals do not engage in the practice of interior design during inactive status.

(15) Issue certificates of registration in accordance with this chapter for which an annual fee, in an amount to be determined by the board, shall be assessed and collected.

(16) Establish procedures for and assess fees for the administration of this chapter, by administrative rules, including, but not limited to, the following items: The application and examination of applicants for certificates of registration; the application and examination of applicants for registered interior designer authorization; late fees; continuing education; and hearings before the board.

(Act 2001-660, p. 1365, § 5.)

## HISTORICAL NOTES

### HISTORY

#### Effective date:

The act which added this section is effective August 1, 2001.

## REFERENCES

### ADMINISTRATIVE CODE

12 Ala. Admin. Code 485-X-2-.01 et seq., Board of Registration for Interior Designers; Officers of Board and their Duties.

### LIBRARY REFERENCES

#### American Digest System:

Licenses  21.

#### Corpus Juris Secundum:

C.J.S. Licenses §§ 37-38.

## § 34-15B-6. Qualification for certificate of registration. [AL ST SEC 34-15B-6]

*Current through End of 2003 Organizational, Regular and 1st Special Session.*

[Historical Notes](#)   [References](#)

(a) Applications for certificates of registration may be submitted only on forms prescribed and furnished by the board. The board shall promptly notify any applicant of the requirements for receipt of a certificate of registration and the schedule of fees established by it for receipt of a completed application.

(b)(1) The board may issue a certificate of registration authorizing an individual to engage in the practice of interior design and use the title of interior designer in the

State of Alabama, only if:

- a. The applicant is determined by the board to be of good moral character.
- b. The applicant has successfully passed the National Council for Interior Design Qualification (NCIDQ) examination, or an equivalent examination, accepted and approved by the board, based on the standards set by the NCIDQ.
- c. The applicant is a graduate of a Foundation for Interior Design Education Research (FIDER) accredited interior design program or its equivalent based on content standards set by FIDER.

(2) Each applicant shall have a combined minimum record of passing 48 semester or 60 quarter hours of board approved interior design education and practical experience under the guidance of a person holding a valid certificate of registration, or any individual approved by the board to total a minimum of six years.

(3) The board shall approve the equivalent interior design educational programs based on content standards set by FIDER and standards set by the NCIDQ or subsequent and equal accrediting and testing agencies.

(c) The board shall adopt rules providing for the review and approval of the aforementioned required full-time interior design experience and educational programs. For purposes of this section, full-time experience means at least 35 hours per week; 40 semester hours or 60 quarter hours in an approved collegiate level interior design program are equivalent to two years of education.

(d) Those applicants found qualified by the board shall be granted a certificate of registration which shall bear the registration number, the full name of the applicant, the date and term of issuance, the seal of the board, and the signature of the chair and the Secretary of State. Every certificate of registration shall be maintained in the possession of the individual to whom it is issued and shall be posted in the business office where he or she practices.

(e) Certificates of registration shall expire and become invalid on the 30th day of September following their issuance or renewal, unless renewed in accordance with this chapter. Certificates of registration issued to those who are in the armed forces of the United States shall not expire until the 30th day of September following the individual's discharge or final separation from the armed forces of the United States. Renewal may be accomplished at any time prior to and during the month of September by the payment of an annual fee, as prescribed by the board, through procedures as may be developed by the board.

(f) Notwithstanding the requirements of subsection (b), any individual registered as an interior designer on August 1, 2001, pursuant to Chapter 15A of this title shall be entitled, upon application to the board within a period of one year after August 1, 2001, to receive a certificate of registration under this chapter.

(g) Any individual registered or licensed to practice interior design in any state of the United States, other than the State of Alabama, who has successfully passed the NCIDQ examination or an equivalent examination, accepted and approved by the board, may apply for a certificate of registration which shall be issued if the individual otherwise complies with the requirements imposed on all applicants.

(Act 2001-660, p. 1365, § 6.)

## HISTORICAL NOTES

## HISTORY

### Effective date:

The act which added this section is effective August 1, 2001.

### Code Commissioner's Notes

Section 20 of Act 2001-660 repealed Chapter 15A of this title, as referred to in subsection (f) of this section. Act 2001-660 is effective August 1, 2001.

## REFERENCES

### ADMINISTRATIVE CODE

12 Ala. Admin. Code 485-X-4-.01 et seq., Board of Registration for Interior Designers; Certificates of Registration, Issuance and Reinstatement.

12 Ala. Admin. Code 485-X-5-.01 et seq., Board of Registration for Interior Designers; Examination and Registration.

### LIBRARY REFERENCES

#### American Digest System:

Licenses  20.

#### Corpus Juris Secundum:

C.J.S. Licenses §§ 39-41.

## **§ 34-15B-7. Authorization and seal; examination committee. [AL ST SEC 34-15B-7]**

*Current through End of 2003 Organizational, Regular and 1st Special Session.*

### Historical Notes    References

(a) Applications for registered interior designer authorization from the board may be submitted only on forms prescribed and approved by the board. The board shall promptly notify the applicant of the requirements for receipt of registered interior designer status and the schedule of fees established by the board for receipt of a completed application.

(b) The board shall approve individuals as registered interior designers, issue the design of an official seal indicating the same, and authorize the individuals to use the title of registered interior designer only if the applicant is determined by the board to have met each of the following qualifications:

(1) The applicant shall hold a valid certificate of registration prior to the submission of an application for registered interior designer status and the applicant must meet all qualifications required to receive and maintain a valid certificate of registration.

(2) The applicant shall be a graduate of an accredited interior design program of four years or more at a college or university approved by the board based on standards established by the NCIDQ and FIDER criteria or their equivalent.

(3) The applicant has successfully passed the sealed level examination.

(c)(1) One hundred eighty days after August 1, 2001, an examination committee shall be named and established as provided herein to develop the sealed level examination to be given to persons seeking authorization as a registered interior designer. The examination committee shall be composed of the following persons: Three members

shall be appointed by the board; three members shall be appointed by the Alabama State Board of Registration for Architects; two members shall be registered professional engineers, one of whom shall be appointed by the board and one of whom shall be appointed by the Alabama State Board of Registration for Architects; one member shall be a code official appointed by the Code Officials Association of Alabama; and one member shall be a representative from NCIDQ who shall be a nonvoting ex officio member and who shall act in an advisory capacity to norm the examination and be an observer only to the content and selection of test questions. In addition, there shall be another nonvoting ex officio member, the Chair of the Senate Committee on Rules, who shall also be the initial chair of the committee and shall serve as a nonvoting moderator. After the initial chair no longer serves as Chair of the Senate Committee on Rules, the chair shall be selected by a majority vote of the Alabama Senate from its membership. Such selection shall be made quadrennially.

(2) Once members of the examination committee are initially appointed, they shall serve at the pleasure of the appointing authority. Any member of the examination committee who is replaced shall be replaced by a person from the same profession or category, and shall be selected as designated above and submitted by the relevant entity. The examination committee shall adjourn after the board accepts a final version of the sealed level examination, but the committee may be recalled by the board from time to time as the board may require. The examination shall be updated, at a minimum, every three years to be applicable to current codes and practices.

(3) The members of the examination committee shall be notified by the chair of the committee of a meeting of the examination committee to be held within 210 days of August 1, 2001. The presence of a simple majority of the appointees to the examination committee shall constitute a quorum to conduct business. The chair shall moderate all meetings of the examination committee and shall establish the dates for meetings. The committee shall proceed according to Robert's Rules of Order, as most recently revised.

(d) To develop the sealed level examination, the examination committee shall work with: (1) The NCIDQ and its nationally recognized testing service which specializes or has experience in certification and licensure examinations in the interior design profession; or (2) any other board approved entity with experience in administration of examinations in the interior design profession, and any other board approved, nationally recognized testing service which specializes or has experience in certification and licensure examinations in the interior design profession. The examination committee shall submit to the board a preliminary report on their activities within 30 days after their first meeting, and shall submit a final version of the sealed level examination, and other information as may be requested by the board, within time frames as may be mandated by the board. The board shall accept the final version of the sealed level examination presented by the examination committee after the final version of the sealed level examination is validated by the NCIDQ or the other board approved entity with experience in administration of examinations in the interior design profession. No sealed level examination may be given to applicants for registered interior designer authorization unless the examination is approved by the board. In the event that no examination receives a majority vote of the examination committee, a report stating that

fact as well as a full explanation of the areas of disagreement shall be submitted by the committee to mediation to assist in reconciling all points of disagreement among the examination committee members. A mediator shall be chosen from a list of names on the mediator's list of the Alabama State Bar Association in the following manner: (1) The architect members of the committee shall select one mediator; (2) the interior design members of the committee shall select one mediator; the final one mediator, who shall perform the mediation, shall be selected by the two mediators chosen pursuant to subdivision (1) and subdivision (2) herein. Upon reconciliation of the areas of disagreement, the examination shall be affirmed by the committee and submitted to the board.

(e) Those applicants found qualified by the board for registered interior design status shall be granted the design of a seal and official authorization containing the full name of the applicant, the date and term of issuance, the seal of the board, and the signature of the chair of the board. Every seal and authorization issued by the board shall be maintained in the possession of the individual to whom it is issued and the authorization shall be posted in the business office where he or she practices.

(f) Seals and authorizations for registered interior design status shall expire and become invalid on the 30th day of September following their issuance or renewal, unless renewed in accordance with this chapter. Seals and authorizations for registered interior design status issued to an individual who is in the armed forces of the United States shall not expire until the 30th day of September following the individual's discharge from the armed forces of the United States. Renewal may be accomplished at any time prior to and during the month of September by the payment of an annual fee, as prescribed by the board, through procedures as may be developed by the board.

(g) Any individual registered or licensed to practice interior design in any state of the United States, other than the State of Alabama, who has successfully passed the sealed level examination or equivalent examination, accepted and approved by the board, may apply for registered interior designer status which shall be issued if the individual otherwise complies with the requirements imposed on all applicants for registered interior design status.

(Act 2001-660, p. 1365, § 7.)

## **HISTORICAL NOTES**

### **HISTORY**

#### **Effective date:**

The act which added this section is effective August 1, 2001.

## **REFERENCES**

### **ADMINISTRATIVE CODE**

12 Ala. Admin. Code 485-X-5-.01 et seq., Board of Registration for Interior Designers; Examination and Registration.

### **LIBRARY REFERENCES**

#### **American Digest System:**

Licenses  20, 22.

**Corpus Juris Secundum:**

C.J.S. Architects §§ 4, 7, 9; Licenses §§ 39-41, 43.

**§ 34-15B-8. Prohibited activities. [AL ST SEC 34-15B-8]**

*Current through End of 2003 Organizational, Regular and 1st Special Session.*

**Historical Notes    References**

(a) Any individual, including, but not limited to, persons claiming an exemption pursuant to Section 34-15B-9, who, without possessing a valid certificate of registration as provided in this chapter, uses the title or term "interior designer" or "interior design," or who, within the context of the practice regulated by this chapter uses the phrase "Interior Designer," "Interior Design Consultant," or "Interior Design Services" in any sign, card, listing, advertising, business name, stationery, or in any other manner implies or indicates that he or she is an interior designer shall be guilty of a Class A misdemeanor.

(b) Any individual, including, but not limited to, persons claiming an exemption pursuant to Section 34-15B-9, who, without possessing a valid certificate of registration as provided in this chapter and without further specific approval by the board as a registered interior designer, uses the title or term "registered interior designer" or "registered interior design," or who, within the context of the practice regulated by this chapter uses the phrase "registered interior designer," "registered interior design consultant," or "registered interior design services" in any sign, card, listing, advertising, business name, stationery, or in any other manner implies or indicates that he or she is a registered interior designer shall be guilty of a Class A misdemeanor.

(c) Any individual who, without possessing a valid certificate of registration as provided in this chapter, engages in the practice of interior design shall be guilty of a Class A misdemeanor.

(d) This section shall become effective January 1, 2002, the intent of the Legislature being that individuals shall have a reasonable period in which to comply with the provisions of this chapter.

(Act 2001-660, p. 1365, § 8.)

**HISTORICAL NOTES**

**HISTORY**

**Effective date:**

The act which added this section is effective January 1, 2002.

**REFERENCES**

**ADMINISTRATIVE CODE**

12 Ala. Admin. Code 485-X-6-.01, Board of Registration for Interior Designers;  
Revocation or Suspension of Certificates.

**LIBRARY REFERENCES**

**American Digest System:**

Licenses ☒ 40.

**Corpus Juris Secundum:**

C.J.S. Architects §§ 3, 5, 7, 12-15; Licenses §§ 82-83; Trading Stamps and Coupons § 6.

**§ 34-15B-9. Exemptions. [AL ST SEC 34-15B-9]**

*Current through End of 2003 Organizational, Regular and 1st Special Session.*

[Historical Notes](#)   [References](#)

(a) The following persons are exempt from this chapter, but remain subject to the title restrictions contained in subsection (a) and subsection (b) of Section 34-15B-8.

(1) An individual practicing interior design under the supervision of a person having a valid certificate of registration.

(2) An architect licensed to practice in the State of Alabama may practice interior design; however, the architect may not use the title designations set forth in Section 34-15B-8 without successful completion of the NCIDQ examination and/or the sealed level examination approved by the board, as applicable.

(3) Licensed home builders and their employees whose activities are limited to the licensed builders' houses and projects and licensed general contractors and their employees whose activities are limited to the licensed general contractors' projects.

(4) Any person with a combination of the following education and full-time experience in the field of interior design on August 1, 2001:

For purposes of this subdivision, education means the successful completion of a minimum of 48 semester hours or 60 quarter hours in an approved collegiate level interior design program, plus documented full-time interior design experience approved by the board, totaling 10 years of combined education and full-time interior design experience. For purposes of this paragraph, "and full-time experience" means at least 35 hours per week; 40 semester hours in a collegiate level interior design program are equivalent to two years of education; and, 60 quarter hours in a collegiate level interior design program are equivalent to two years of education. To be entitled to any exemption under this subdivision an individual must document his or her experience and education on forms approved by the board and must register with the board within six months following August 1, 2001. Provided, the exemption shall terminate unless the individual claiming the exemption passes, prior to June 1, 2002, a code examination provided by the NCIDQ.

(5) Any person with 25 years of documented full-time experience, approved by the board, in the field of interior design on August 1, 2001. To be entitled to the exemption, an individual must document his or her experience on forms approved by the board and register with the board within six months following August 1, 2001.

(6) Any person making a plan or specification for, or administering the erection, enlargement, or alteration of any building upon any farm for the use of any farmer or for any building to be occupied and utilized by a healthcare facility as that term is defined in Section 22-21-260.

(7) Any person certified on August 1, 2001, by the National Kitchen and Bath Association, as a kitchen designer or bath designer, or both, whose activities involve

the planning and execution of the design of complete residential kitchens or baths. The person shall not use the title designations set forth in subsection (a) or subsection (b) of Section 34-15B-8. Provided, the exemption shall terminate unless the individual claiming the exemption passes a code examination provided by NCIDQ prior to June 1, 2002, and documents to the board his or her National Kitchen and Bath Association certification within six months following August 1, 2001.

(8) Any person or legal entity purchasing products for its own use.

(b) Any person entitled to an exemption from this chapter shall remain subject to all other applicable provisions of Alabama law, including, but not limited to subsection (b) of Section 34-2-32.

(c) Nothing in this chapter shall prevent licensed professional engineers, or the employees or subordinates under their supervision or control, from performing interior design services which are incidental to the practice of engineering.  
(Act 2001-660, p. 1365, § 9.)

## HISTORICAL NOTES

### HISTORY

#### Effective date:

The act which added this section is effective August 1, 2001.

#### Code Commissioner's Notes

In 2001, the Code Commissioner in subdivision (4) of subsection (a) inserted "exemption under this subdivision" for "exemption under this subsection" to reflect the apparently intended hierarchy unit. Also, the Code Commissioner inserted "(b)" for "(9)" and "(c)" for "(b)" to achieve appropriate code hierarchy and correct a clerical error.

## REFERENCES

### LIBRARY REFERENCES

#### American Digest System:

Licenses ☒ 19(3).

#### Corpus Juris Secundum:

C.J.S. Architects § 11; Licenses §§ 35-36.

### § 34-15B-10. Penalties for violations of chapter. [AL ST SEC 34-15B-10]

*Current through End of 2003 Organizational, Regular and 1st Special Session.*

[Historical Notes](#)   [References](#)

The board may refuse to issue or may revoke a certificate of registration and/or authorization as a registered interior designer, suspend a certificate of registration or authorization as a registered interior designer for a period of time, issue a private or public reprimand to an individual possessing a certificate of registration or authorization as a registered interior designer, and assess and collect administrative fines not to exceed two thousand dollars (\$2,000) for violations of this chapter. In addition to the foregoing, the board may institute any legal proceedings necessary to enforce this chapter, or any

combination of the foregoing, for any of the following conduct:

(1) Fraud, deceit, dishonesty, or misrepresentation, whether knowingly or unknowingly, in the practice of interior design or in obtaining any certificate of registration or authorization as a registered interior designer or other thing of value.

(2) Gross negligence, misconduct, or incompetency in the practice of interior design.

(3) Conviction of a felony until civil rights are restored.

(4) Habitual drunkenness or addiction and abuse, or both, of controlled substances without a doctor's prescription or in violation of the state controlled substances act.

(5) Incompetency, as adjudged by a court having jurisdiction.

(6) Directly or indirectly aiding or abetting in the practice of interior design by a person not duly authorized to practice interior design under this chapter.

(7) Practicing interior design in this state in violation of any standards of professional conduct as may be established by rule of the board.

(8) Practicing interior design in this state or in any other state or country in violation of the laws of that state or country.

(9) Failure to pay any fee or fine assessed by the board.

(10) Failure to comply with any order of the board.

(Act 2001-660, p. 1365, § 10.)

## HISTORICAL NOTES

### HISTORY

#### Effective date:

The act which added this section is effective August 1, 2001.

## REFERENCES

### ADMINISTRATIVE CODE

12 Ala. Admin. Code 485-X-6-.01, Board of Registration for Interior Designers; Revocation or Suspension of Certificates.

12 Ala. Admin. Code 485-X-7-.01 et seq., Board of Registration for Interior Designers; Complaints and Violations.

### LIBRARY REFERENCES

#### American Digest System:

Licenses  38.

#### Corpus Juris Secundum:

C.J.S. Architects § 10; Licenses §§ 48, 50-63.

## § 34-15B-11. Disciplinary action. [AL ST SEC 34-15B-11]

*Current through End of 2003 Organizational, Regular and 1st Special Session.*

[Historical Notes](#)   [References](#)

(a) Any time that the board has reason to believe that an individual holding a certificate of registration or authorization as a registered interior designer is subject to

discipline, notice of the charges placed against the individual and the time and place of the hearing of such charges by the board shall be served on the accused by those rules prescribed by the Alabama Rules of Civil Procedure, not less than 45 days before the date fixed for the hearing. The notice shall inform the individual that he or she is entitled to respond to the charges within 30 days, be represented by counsel of his or her choosing at the hearing, have witnesses testify in his or her behalf at the hearing, confront and cross-examine witnesses at the hearing, and testify in his or her behalf at the hearing. The board may provide further for any procedure not herein enumerated that is consistent with the Alabama Administrative Procedure Act.

(b) In all cases of disciplinary action taken by the board, the accused may appeal the disciplinary action to the Circuit Court of Montgomery County, Alabama. Either party has the right to appeal from the final decree of the circuit court as provided by law.

(c) The board may commence a civil action in any circuit court having appropriate jurisdiction to enjoin any violation of this chapter. Jurisdiction is conferred upon the circuit courts of this state to hear and determine all such cases. The board may commence and maintain these actions without the filing of a bond or security. An injunction may be issued upon proof that the person is in violation of this chapter, without requiring proof of actual damage sustained by any person. If an injunction is issued, it shall not relieve any person or persons from any appropriate criminal prosecution.

(Act 2001-660, p. 1365, § 11.)

## HISTORICAL NOTES

### HISTORY

#### Effective date:

The act which added this section is effective August 1, 2001.

## REFERENCES

### ADMINISTRATIVE CODE

12 Ala. Admin. Code 485-X-6-.01, Board of Registration for Interior Designers;  
Revocation or Suspension of Certificates.

12 Ala. Admin. Code 485-X-7-.01 et seq., Board of Registration for Interior Designers;  
Complaints and Violations.

### LIBRARY REFERENCES

#### American Digest System:

Licenses 38.

#### Corpus Juris Secundum:

C.J.S. Architects § 10; Licenses §§ 48, 50-63.

**§ 34-15B-12. Board of Registration for Interior Design Fund. [AL ST SEC 34-15B-12]**

*Current through End of 2003 Organizational, Regular and 1st Special Session.*

All fees received by the board shall be deposited into a fund known as the Board of Registration for Interior Design Fund in the State Treasury which is hereby established. The fund shall be utilized, in the discretion of the board, to regulate the practice of interior design and to pay the expenses of the board, including the cost of necessary employees, legal expenses, administrative expenses, and other necessary expenses associated with enforcing and administering this chapter. All fees collected prior to August 1, 2001, and collected pursuant to former Chapter 15A of this title are hereby ratified and validated, and transferred to the fund.  
(Act 2001-660, p. 1365, § 12.)

## HISTORICAL NOTES

### HISTORY

#### Effective date:

The act which added this section is effective August 1, 2001.

#### Code Commissioner's Notes

Section 20 of Act 2001-660 repealed Chapter 15A of this title, as referred to in this section. Act 2001-660 is effective August 1, 2001.


## REFERENCES

### ADMINISTRATIVE CODE

12 Ala. Admin. Code 485-X-3-.01, Board of Registration for Interior Designers; Fees and Charges.

### LIBRARY REFERENCES

#### American Digest System:

Licenses  33.

#### Corpus Juris Secundum:

C.J.S. Licenses § 71.

## § 34-15B-13. Authorization to practice. [AL ST SEC 34-15B-13]

*Current through End of 2003 Organizational, Regular and 1st Special Session.*

(a) An individual holding a certificate of registration shall not be subject to the 2,500 square feet limitation or other limitations contained in subsection (b) of Section 34-2-32. An individual holding a certificate of registration shall be authorized to practice interior design in any building or space within a building consisting of a total area of less than 5,001 square feet, and not intended for assembly occupancy, except schools, churches, auditoriums or other buildings intended for assembly occupancy of people. Provided, nothing shall prevent an interior designer from preparing designs, drawings, and specifications for selection, use, or location of finishes, materials, equipment, furnishings, furniture, fixtures, and personal property; or administering contracts for fabrication,

procurement, or installation in connection with finishes, materials, equipment, furnishings, furniture, and personal property. Notwithstanding the provisions of subsection (c) of Section 34-2-32, any and all officials of this state or of any city, town, or county charged with the enforcement of laws, ordinances, or regulations relating to the construction or alteration of buildings are hereby authorized to accept or approve plans or specifications and issue permits on the same, prepared by any individual holding a certificate of registration, provided the plans or specifications are consistent with this subsection.

(b) An individual holding a valid certificate of registration and further authorized as a registered interior designer shall be authorized to practice interior design in any building, regardless of square footage or usage, and shall not be subject to any limitations contained in subsection (b) of Section 34-2-32.

(c) Notwithstanding the provisions of subsection (c) of Section 34-2-32, any and all officials of this state or of any city, town, or county charged with the enforcement of laws, ordinances, or regulations relating to the construction or alteration of buildings are hereby authorized to accept or approve plans or specifications and issue permits on the same, prepared by individuals authorized as registered interior designers, provided such plans or specifications are consistent with subsection (b), and the plans and specifications are within the definition of the practice of interior design under this chapter. An individual authorized as a registered interior designer may submit drawings, plans, or specifications with other licensed professionals if such work is outside the scope of the practice of interior design.

(Act 2001-660, p. 1365, § 13.)

## HISTORICAL NOTES

### HISTORY

#### Effective date:

The act which added this section is effective August 1, 2001.


#### Code Commissioner's Notes

In 2001, the Code Commissioner in the second sentence of subsection (a), inserted "not intended" for "is not intended" to correct a typographical error.

## REFERENCES

### LIBRARY REFERENCES

#### American Digest System:

Licenses  36.

#### Corpus Juris Secundum:

C.J.S. Licenses §§ 45-48.

**§ 34-15B-14. Relation to state and local construction codes, etc. [AL ST SEC 34-15B-14]**

*Current through End of 2003 Organizational, Regular and 1st Special Session.*

## Historical Notes

This chapter shall not affect any state or local fire, safety, building, or construction code, including the requirements contained therein; provided, as an exception, state or local building officials may accept a drawing prepared by an individual holding a certificate of registration and/or authorized as a registered interior designer. (Act 2001-660, p. 1365, § 14.)

## HISTORICAL NOTES

### HISTORY

#### Effective date:

The act which added this section is effective August 1, 2001.

## § 34-15B-15. Participation in certain business entity relationships. [AL ST SEC 34-15B-15]

*Current through End of 2003 Organizational, Regular and 1st Special Session.*

## Historical Notes    References

Notwithstanding Section 34-2-37, it shall be lawful for individuals holding a certificate of registration pursuant to this chapter to participate as owners with architects and/or professional engineers in partnerships, corporations, professional corporations, professional associations, and other business entity relationships. Such participation may include, where applicable, and without limitation, service as an officer, director, shareholder, voting or nonvoting, and any other participation allowed under the laws of the State of Alabama. (Act 2001-660, p. 1365, § 15.)

## HISTORICAL NOTES

### HISTORY

#### Effective date:

The act which added this section is effective August 1, 2001.

## REFERENCES

### LIBRARY REFERENCES

#### American Digest System:

Licenses  25.

#### Corpus Juris Secundum:

C.J.S. Licenses §§ 41, 45-46.

**§ 34-15B-16. Selection of products subject to building codes. [AL ST SEC 34-15B-16]**

*Current through End of 2003 Organizational, Regular and 1st Special Session.*

**Historical Notes**

Persons holding a valid certificate of registration or those persons specified in subparagraph 4. of paragraph b. of subdivision (4) of Section 34-15B-3 shall be authorized to specify or select products otherwise subject to building codes, so long as the specifications and selections are consistent with the codes.  
(Act 2001-660, p. 1365, § 16.)

**HISTORICAL NOTES**

**HISTORY**

**Effective date:**

The act which added this section is effective August 1, 2001.

**Code Commissioner's Notes**

In 2001, the Code Commissioner inserted "subparagraph 4 of paragraph b. of subdivision (4) of Section 34-15B-3" for "Section 3(4)(d)" to reference the apparently intended hierarchy unit.

**§ 34-15B-17. Administrative procedure. [AL ST SEC 34-15B-17]**

*Current through End of 2003 Organizational, Regular and 1st Special Session.*

**Historical Notes**

It is the intent of the Legislature that the board shall be subject to the Alabama Administrative Procedure Act.  
(Act 2001-660, p. 1365, § 17.)

**HISTORICAL NOTES**

**HISTORY**

**Effective date:**

The act which added this section is effective August 1, 2001.

**§ 34-15B-18. Sunset provision. [AL ST SEC 34-15B-18]**

*Current through End of 2003 Organizational, Regular and 1st Special Session.*

**Historical Notes**

The board shall be subject to the Alabama Sunset Law, as provided in Chapter 20, Title 41, as an enumerated agency as provided in Section 41-20-3, and shall have a termination date of October 1, 2002, and every four years thereafter, unless continued

pursuant to the Alabama Sunset Law.  
(Act 2001-660, p. 1365, § 19.)

## **HISTORICAL NOTES**

### **HISTORY**

**Effective date:**

The act which added this section is effective August 1, 2001.



## Board Members



Sallye Coggin  
Steven Smith  
Aimee McCormick  
Anne Nieman  
Courtney Oglesby  
John Peaslee

### **ALABAMA STATE BOARD OF REGISTRATION FOR INTERIOR DESIGN**

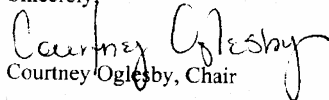
Post Office Box 11026 ♦ Birmingham, AL 35202 ♦ 205-942-8285 ♦ Fax: 205-942-8285 \*51 ♦ E-Mail [intdesbd@bellsouth.net](mailto:intdesbd@bellsouth.net)

BOARD MEMBERS		TERM EXPIRES
Anne Nieman	Montgomery, AL	9/30/04
John Peaslee, educator	Univ. of AL/Tusc.	9/30/04
Courtney Oglesby, Chair	Tuscaloosa, AL	9/30/05
Sallye Coogin	Decatur, AL	9/30/05
Steven Smith	Birmingham, AL	9/30/07
Aimee McCormick	Mobile, AL	9/30/07

#### OFFICIAL

Celia Griffin,  
Office Administrator  
Alabama Board of Registration for Interior Design  
Post Office Box 11026  
Birmingham, AL 35202  
Phone 205.942.8285  
Fax: 205.942.8285.\*51

Sincerely,

  
Courtney Oglesby, Chair

# ALABAMA STATE BOARD OF REGISTRATION FOR INTERIOR DESIGN

Post Office Box 11026 ♦ Birmingham, AL 35202 ♦ 205-942-8285 ♦ Fax: 205-942-8285 \*51 ♦ E-Mail [intdesbd@bellsouth.net](mailto:intdesbd@bellsouth.net)

Sallye Coggin  
Steven Smith  
Aimee McCormick  
Anne Nieman  
Courtney Oglesby  
John Peaslee

## Response to Significant Items for July 23, 2004

1. The current Interior Designer Practice law prohibits unlicensed practice as an interior decorator.

**Response:** The Alabama Interior Design Consumer Protection Act, Section 34-15b does not address the unlicensed practice of interior decoration. Rather, it regulates the practice of interior design. Section 8( c ) does prohibit the unlicensed practice of interior design and 8 ( a ) regulates use of the title “interior designer” by those who are unqualified.

The law does allow those who pursue a retail sale, to select personal property and fixtures. This includes, but is not limited to, furnishing, decorative accessories, furniture, paint, wall coverings, window treatments, floor coverings, surface mounted lighting or decorative materials, pursuant to a retail sale; installing or coordinating installation as part of the prospective retail sale. This provision in the law clearly addresses interior decoration and was written with the intent to allow interior decorators to continue to practice their trade.

In addition, as to the assertion that the Board has been aggressive in the exercise of its regulatory power, I would like to respond that since the Board’s last review by the Sunset Committee the Board has not investigated a single new violation complaint as requested by the Sunset Committee. Prior to that request, the Board only investigated those violation reports that were turned into the Board. Once a case is turned in for investigation, the Board and the Violation Committee notify the respondent of the inquiry. The respondent is given a minimum of three opportunities to resolve the complaint without a fine being incurred. From August 1, 2001 through November 1, 2003 the Board investigated 155 title violations. Of those, approximately 149 were closed without a fine or hearing. It also investigated 45 title/practice violations. Of those approximately 35 were closed without a fine or hearing. Based on these facts the significant item is unsubstantiated.

2. Unsuccessful legislation was introduced in the 2004 regular session to repeal and re-establish the board’s enabling statutes. Minutes of board meetings show that the board voted to accept amendments to its law. According to the board chair, a separate group, the Interior Design Coalition, opposed some of the amendments accepted by the board. The Interior Design Coalition employed a lobbyist to promote its interests to the legislature.

**Response:** At the direction of the 2003 Sunset Committee the entire board did meet with the subcommittee chaired by Senator Figures and co-chaired by Senators Myers and McClendon. The Board met with the subcommittee for several months during the 2004 legislative session. An amendment was drafted and the entire board voted to support the amendment. It contained several significant revisions to the existing statute that were

opposed by the political lobby of the interior design profession, the Alabama Interior Design Coalition

The Board was sincere in its approach to reach an agreement regarding amendatory language to the statute. Each member of the Board was present for the meetings and worked in good faith. The Board continues to support an amendment to the existing legislation.

Because the Alabama Interior Design Coalition is a separate entity from the Board the significant item is unsubstantiated.

#### STATUS OF PRIOR FINDINGS

Prior findings and significant items have been resolved.

**Response:** The Board has worked very hard all year to better serve its registrants. Developing a web site has been a priority. The address is [www.idboard.alabama.gov](http://www.idboard.alabama.gov). In addition, the sealed level examination committee was formed. The committee met in April and June and will meet again in September. Senator Preuitt was instrumental in facilitating these meetings. The goal of the committee is to have an exam ready to be administered in the spring of 2005. Finally, the Board continued to work with registrants to meet the responsibility of continuing education credits that will ensure knowledge of codes and promote the health, safety, and welfare of the public.